

## ***Open Doors to Federal Courts 2004***

### **The Role of Courts in Balancing Liberty and Safety** ***Classroom Preparation for Courtroom Activity***

*In preparation for the 2004: Open Doors to Federal Courts' activities at the local federal courthouse, students and teachers are encouraged to familiarize themselves with the following materials and to set aside classroom time for some or all of the following activities. The purpose of this program is to stimulate greater awareness and appreciation of the role that the federal courts play in balancing liberty and safety. It focuses upon the U.S. Supreme Court case Michigan v. Sitz as an example. In this case, the Court was asked to balance the liberty of drivers on Michigan roads versus a measure that the State of Michigan enacted to provide for the safety of those who drive on its roads.*

#### **Suggested Homework Assignments:**

- ▶ Lesson Plan: *2004 Open Doors to Federal Courts Case Study: The Role of Courts in Balancing Liberty and Safety, "Michigan Department of Police v. Sitz."*
- ▶ *Michigan Department of Police v. Sitz*, 496 U.S. 444 (1990). Opinion of the court, concurrence, and dissents.  
<<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=496&invol=444>>.
- ▶ Pgs 4-12, *Understanding the Federal Courts*. Administrative Office of the United States Courts. 2003.
- ▶ Handout: In a Nutshell: What Every Citizen Should Know About the Federal Courts

#### **Suggested Classroom Activities:**

- ▶ Discuss any aspects of the reading materials that were difficult and/or confusing. If the class is still not able to understand a part of the material after discussing it, the teacher should prepare a list of unanswered questions that the students may ask either a lawyer or a judge during the courthouse visit.
- ▶ All students serve as attorneys and read the "Talking Points" in the "*Michigan Department of Police v. Sitz*" lesson-plan. As a class, discuss them. The teacher may choose to divide the class into different sections (*i.e.*, appellants and respondents) and have each group develop a strategy for presenting its case. Students may be asked to present their cases at the courthouse.
- ▶ All students serve as justices on the Supreme Court. In preparation for hearing this case have them prepare a list of questions that they would want to ask the lawyers who are arguing for and against the sobriety checkpoints. The students who are chosen to be justices during the courthouse activities may use these questions during the moot court simulation.

- Debate about the need of the courts to balance liberty and safety. The following are some questions that may serve as classroom discussion starters.
- ◆ What were the competing interests in this case? That is, what was the State of Michigan's rationale for taking the course of action that it did? What rights did the drivers who initiated this lawsuit allege that Michigan violated by taking the course of action that it did? When do the rights of the individual outweigh the collective rights of the many? Do they ever? Give some examples.
  - ◆ Do you agree with the U.S. Supreme Court? Why or why not? How would you rule if you were a justice on the U.S. Supreme Court? If you were a judge on the Michigan Supreme Court? Why?
  - ◆ Would your decision be any different if the state of Michigan had enacted roadblocks not to try to prevent drunk driving but to try to find illegal drugs? (See how the U.S. Supreme Court ruled on this issue in *City of Indianapolis v. Edmond*, 531 U.S. 32 (2000)).<sup>1</sup> What if the federal government allowed random roadblocks to search for illegal immigrants near the border (See how the U.S. Supreme Court ruled on this issue in *United States v. Martinez-Fuerte*, 428 U.S. 543).<sup>2</sup> What do you think is the proper balance between liberty and safety in these cases?
  - ◆ What is the role of the federal courts in balancing liberty and safety when these two interests collide? Can you think of any cases/situations where the courts are being called upon to perform this balancing test at the present.

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<sup>1</sup><<http://supct.law.cornell.edu/supct/html/99-1030.ZS.html>>.

<sup>2</sup><<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=US&vol=428&invol=543>>.